

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL HERBST,

Plaintiff,

v.

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.

No. 4:15-CV-5116-JTR

ORDER GRANTING PLAINTIFF'S  
MOTION TO DISMISS WITH  
PREJUDICE

**BEFORE THE COURT** is Plaintiff's motion for dismissal with prejudice. ECF No. 21. Attorney Thomas Bothwell represents Michael Herbst (Plaintiff); Special Assistant United States Attorney Richard M. Rodriguez represents the Commissioner of Social Security (Defendant). The parties have consented to proceed before a magistrate judge. ECF No. 3.

Plaintiff requests a dismissal of his action, with prejudice, and indicates Defendant has no objection to the motion to dismiss. ECF No. 21. Accordingly,

**IT IS HEREBY ORDERED:**

1. Plaintiff's motion for dismissal with prejudice, **ECF No. 21**, is **GRANTED**.

2. Plaintiff's Complaint, ECF No. 5, is **DISMISSED WITH PREJUDICE**.

1       **IT IS SO ORDERED.** The District Court Executive is directed to file this  
2 Order, provide a copy to counsel for Plaintiff and Defendant, and **CLOSE** the file.

3       DATED July 22, 2016.



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JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE